

Walker County

May 26, 2022

County Manager Presentation

PART I - LOCAL LAWS[1]

Footnotes:

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Editor's note— This part is from 1939 Ga. Laws, page 751, as amended. Any section that has been amended is identified by a history note in parentheses at the end of the section. Catchlines have been added by the editor. Provisions in brackets [] have been added by the editor for purposes of clarity. Current general laws on elections, which may supersede portions of this act, are found in O.C.G.A. title 21.

State Constitution reference— Counties and municipal corporations, Ga. Const. art. IX.

Section 1. - Board of Commissioners created.

There is created the Board of Commissioners of Walker County to be elected and organized as provided for in this Act. The board shall be the successor to the office of commissioner of Walker County and shall continue to have the obligations and liabilities of the commissioner of Walker County as existed immediately prior to January 1, 2021. The board shall constitute the governing authority of Walker County and shall exercise the powers, duties, and responsibilities vested in and upon such officers by the provisions of this Act. The term "board," whenever used in this Act, shall mean the Board of Commissioners of Walker County, including the chairperson and all members.

(2017 Ga. Laws (Act No. 165), § 1)

Section 2. - Chairperson; members.

(a)The board shall consist of a chairperson and four district commissioners. The four district commissioners shall be residents of their respective commissioner districts as described in subsection (b) of this section and shall be elected by the electors of their respective districts as provided in Section 3 of this Act. The chairperson shall be elected at large as provided in Section 3 of this Act.(b)For the purpose of electing members of the board, Walker County shall be divided into four commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: walkercc-2017 Plan Type: Local Administrator: SD053 User: Gina.(c)(1)When used in such attachment, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.(2)Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.(3)Any part of Walker County which is not included in any district described in the plan shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.(4)Any part of Walker County described in the plan as being included in a particular district shall nevertheless not be included within such district if such part is not

contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(2017 Ga. Laws (Act No. 165), § 2)

Section 3. - Eligibility.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law. (b) In order to be elected as a member of the board from a commissioner district, a person shall be 18 years of age or older, shall have resided in that district for at least 12 consecutive months prior to election thereto, and shall receive a majority of the votes cast for that office by the electors of that district. At the time of qualifying, each candidate for such office shall specify the commissioner district for which that person is offering as a candidate. A person elected as a member of the board from a commissioner district shall continue to reside in that district during that person's term of office or that office shall thereupon become vacant. (c) The chairperson of the board shall be 25 years of age or older, shall have resided in Walker County for at least 12 consecutive months prior to election to such office, may reside anywhere within Walker County, and shall receive a majority of the votes cast for such office by the electors of the entire county. The chairperson shall continue to reside within Walker County during that person's term of office or that office shall thereupon become vacant.

(2017 Ga. Laws (Act No. 165), § 3)

Section 4. - Election of members.

(a) The first members of the Board of Commissioners of Walker County shall be elected at the 2020 November general election. The members of the board elected thereto from Commissioner Districts 1 and 2 in 2020 shall take office on January 1, 2021, and shall serve for an initial term of office which shall expire on January 1, 2023, and upon the election and qualification of their respective successors. The chairperson and the members of the board elected thereto from Commissioner Districts 3 and 4 in 2020 shall take office on January 1, 2021, and shall serve for initial terms of office which shall expire on January 1, 2025, and upon the election and qualification of their respective successors. Those and all future successors to the chairperson and members of the board whose terms of office are to expire shall be elected at the November state-wide general election immediately preceding the expiration of such terms, shall take office on the first day of January immediately following that election, and shall serve for terms of office of four years and until their respective successors are elected and qualified. (b) The chairperson and members of the board shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the Georgia Election Code.

(2017 Ga. Laws (Act No. 165), § 4)

Section 5. - Vacancies.

(a) In the event of a vacancy occurring in the membership of the board, whether the vacancy is in the office of chairperson or any other member, for any reason other than expiration of term, that vacancy shall be filled as provided in this section. (b) In the event a vacancy occurs on the board when at least 180 days remain in the unexpired term of office, the election superintendent of Walker County, within 15 days after the vacancy occurs, shall issue the call for a special election to fill the vacancy for the unexpired term.

Such special election shall be called and conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the Georgia Election Code, as now or hereafter amended. Any person elected in a special election to fill such a vacancy shall take office immediately upon certification of the results of such special election and qualification. If such vacancy is in the office of chairperson of the board of commissioners, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following the special election provided for in this subsection.(c)In the event a vacancy occurs on the board when less than 180 days remain in the unexpired term of office, the remaining members of the board shall appoint a qualified person to fill the vacancy for the unexpired term. Any person appointed by the board to fill a vacancy as provided in this subsection shall possess the residency and other qualifications required for the office and shall take office immediately upon appointment and qualification. If such vacancy is in the office of chairperson of the board, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following his or her appointment as provided for in this subsection. During the time when the board has a vacancy under this subsection and only during such time, if a vote on a matter before the board results in a tie, the chairperson or, if the office of chairperson is vacant and the vice chairperson is serving as chairperson, the vice chairperson shall be allowed to cast an additional vote to break such tie.

(2017 Ga. Laws (Act No. 165), § 5)

Section 6. - Oath; bond.

Before entering upon the discharge of their duties, the chairperson and district commissioners shall subscribe to an oath before the judge of the probate court of such county for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, the chairperson and each district commissioner shall further give a satisfactory surety bond to the judge of the probate court of the county payable to the judge of the probate court or that judge's successor in office and filed in the office of the judge of the probate court, in the sum of \$25,000.00, conditioned upon the faithful performance of the duties of the office. The costs of said bonds shall be paid out of the county treasury.

(2017 Ga. Laws (Act No. 165), § 6)

Section 7. - Salary; reimbursement.

(a)District commissioners, other than the chairperson, shall serve in such capacity on a part-time basis and shall be paid a salary of \$12,000.00 per year. Such compensation shall be paid in equal monthly installments from the funds of Walker County.(b)The chairperson shall serve in such capacity on a full-time basis and shall be paid an annual salary equal to the annual salary of the highest paid elected county officer of Walker County, plus an additional \$500.00, or \$100,000.00 per annum, whichever is greater. For the purposes of this subsection, the term "county officer" shall mean only the tax commissioner, the judge of the probate court, the sheriff, or the clerk of superior court. The salary provided in this subsection shall be paid in equal monthly installments from the funds of Walker County. The salary and expenses provided for in this subsection shall constitute the entire compensation to which the chairperson shall be entitled to be paid from county funds.(c)The chairperson and the district commissioners may be reimbursed for reasonable expenses incurred in carrying out their duties. Expenses may be reimbursed only after the

submission of receipts or records of said expenses to the county clerk and approval by majority vote of the board of commissioners at a regularly scheduled meeting. The chairperson and commissioners shall be entitled to compensation for serving on any other boards or authorities for which their membership is provided by law.(d)At their own expense, the district commissioners may participate in county provided health, dental, and other health related programs and in county sponsored retirement programs. No county funds shall be spent on these programs for the benefit of the district commissioners.

(2017 Ga. Laws (Act No. 165), § 7)

Section 8. - Election of vice-chairperson.

At the first regular meeting of each year, the board shall elect from its members a vice chairperson. In the event of death, disqualification, or resignation of the chairperson, the vice chairperson shall perform the duties and exercise the authority of the chairperson until a new chairperson is chosen as provided in this Act. The vice chairperson shall preside at meetings of the board in the absence of the chairperson and shall serve for the calendar year in which he or she is elected. In the event of a vacancy in the office of vice chairperson, the board shall elect a new vice chairperson to serve for the remainder of the calendar year.

(2017 Ga. Laws (Act No. 165), § 8)

Section 9. - Regular meetings.

Each month, at the county seat, the board of commissioners shall hold a minimum of two regular meetings. All meetings shall be open to the public as required by law and shall provide a time period exclusively for public comment. The time, date, and place of the meetings shall be determined by the board in the first meeting of the year. Any resolution passed by the board regarding the time, date, and place of its monthly meetings shall be published in the official county organ once a week for two weeks during a period of 30 days immediately following the passage of the resolution. The board of commissioners may hold such additional meetings as shall be necessary when called by the chairperson or any two commissioners, provided that all members of the board of commissioners shall have been notified at least three days in advance of such special meeting which is open to the public. Three district commissioners or the chairperson and any two district commissioners shall constitute a quorum. No official action shall be taken except upon the affirmative vote of at least three members of the board of commissioners and except upon compliance with Chapter 14 of Title 50 of the O.C.G.A. The chairperson shall be entitled to vote on a question only if the chairperson's vote would affect the outcome of any vote or issue before the board. The vice chairperson while serving as chairperson shall be entitled to vote on all matters before the board. All regular and called meetings shall be conducted according to Robert's Rules of Order.

(2017 Ga. Laws (Act No. 165), § 9)

Section 10. - Duties of chairperson.

The chairperson shall administer the affairs and day-to-day business of the county and preside over the meetings of the board. The duties of the chairperson shall include, but shall not be limited to, the following:

(1)Calling meetings of the board as provided in Section 9 of this Act;(2)Preparing a proposed agenda and presiding over meetings of the board;(3)Representing the county government at ceremonial functions;(4)Being empowered to submit motions that are made and seconded by district commissioners to the board for action;(5)Appointing members and chairpersons to all committees of the board with the approval of the board; and(6)Performing such other duties as shall be delegated to the chairperson by the board or as provided by law or ordinance.

The chairperson shall be authorized, in his or her sole discretion, to spend not more than \$25,000.00 without approval of the board.

(2017 Ga. Laws (Act No. 165), § 10)

Section 11. - Power and authority of board.

The board shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules, and regulations governing all matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper entry thereof, made on the minutes of the board, shall be conclusive and binding. The board shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. Except as otherwise provided in this Act, the following powers are vested in the board and reserved to its exclusive jurisdiction:

(1)To levy taxes;(2)To make appropriations;(3)To fix rates and charges for services provided by the county;(4)To authorize the incurring of indebtedness;(5)To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;(6)To authorize and provide for the execution of contracts;(7)To establish, alter, open, close, build, repair, or abolish public roads, bridges, and ferries, according to law; provided, however, that the chairperson shall have the authority to accept subdivision plats when the requirements established by the board for subdivisions have been met;(8)To establish, abolish, or change election precincts and militia districts according to law;(9)To accept, for the county, the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;(10)To exercise all powers, duty, and authority formerly imposed upon or vested in the commissioner of Walker County in respect to zoning and planning;(11)To create and change the boundaries of special taxing districts authorized by law;(12)To fix the bonds of county officers where same are not fixed by statute;(13)To enact any ordinances or other legislation which the county may be given authority to enact;(14)To determine the priority of capital improvements;(15)To call elections for the voting of bonds;(16)To exercise all of the power and authority formerly vested by law in the commissioner of Walker County together with the power and authority which may be delegated by law to the governing authority of the county, by whatever name designated;(17)To appoint retained legal counsel and an independent county auditor and provide for their compensation; and(18)To require all county officers to report on the general or specific conduct of the financial affairs of their respective offices.

(2017 Ga. Laws (Act No. 165), § 11)

Section 12. - Sealed bids.

Formal sealed bids shall be received for all purchases in amounts over the state limit for sealed bids unless the board sets a lower limit. Advertisements for such bids shall be published for two consecutive weeks in the official organ of Walker County. The need for such bids may be dispensed with by the board if it decides that an emergency exists which will not permit a delay.

(2017 Ga. Laws (Act No. 165), § 12)

Section 13. - Internal organization established.

The internal organization of the county government shall be established and altered by the board. Existing departments may be abolished and their functions transferred to other departments, additional departments may be created, and any two or more departments may be consolidated.

(2017 Ga. Laws (Act No. 165), § 13)

Section 14. - Appointment of clerk.

The board shall appoint a clerk who shall keep a proper and accurate book of minutes. The book of minutes of the board shall contain all the acts, orders, and proceedings of the board in chronological order. The minutes book of the board shall be open to the public for inspection at all times during regular office hours, and certified copies of any entries in the minutes book shall be furnished by the clerk to any person requesting same upon payment of a reasonable fee to be paid into the county treasury as are other funds and to be assessed by the board in an amount sufficient to defray the cost of preparing same.

(2017 Ga. Laws (Act No. 165), § 14)

Section 15. - Proposed budget.

The chairperson shall submit annually to the board a proposed budget governing expenditures of all county funds, including capital outlay and public works projects for the following fiscal year. The board shall thereafter hold two public hearings at least seven days apart on the budget, giving notice thereof at least ten days in advance by publication of such notice and of the proposed budget in the official organ of Walker County and by posting same at the courthouse. The budget shall then be reviewed and adopted or amended by the board prior to the beginning of the new fiscal year to which it applies, which budget, when so adopted or amended by the board, shall constitute the board's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the board in a regular meeting, and no increase shall be made therein without provision also being made for financing the same. The proposed budget submitted by the chairperson shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to the same shall be transmitted by the chairperson to the grand jury of the Superior Court of Walker County within ten days from the time such budget or amendment thereof is adopted by the board. The board may from time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal year for the county or may operate on a calendar basis; provided, however, that in the event of such change, the budget shall be submitted at least two months prior to the beginning date of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one month prior to such beginning date. The procedures for budget preparation, submission to the governing authority, review by the governing

authority, public review, notice, and hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

(2017 Ga. Laws (Act No. 165), § 15)

Section 16. - Expenditures.

No expenditures of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the board. The chairperson of the board shall enforce compliance with this section by all departments of county government and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

(2017 Ga. Laws (Act No. 165), § 16)

Section 17. - Audit of county finances and financial records.

The board shall, on or before the final day of the month following the end of each fiscal year, employ a certified public accountant for the making of an annual continuous audit of county finances and financial records. The accountant so employed shall be paid out of county funds and shall perform a complete audit of the financial records of the county for the preceding year, pointing out any irregularities found to exist and reporting the results of such audit to the board. The same person or firm shall not perform such audit for more than four consecutive annual periods. Each annual report submitted to the board shall be made available for public inspection as are other records in such office. The board shall cause to be published in the official organ of Walker County and posted at the courthouse a statement of the financial condition of the county as of December 31 and June 30 of each year. Said accountant shall transmit to the grand jury of the Superior Court of Walker County a copy of each annual report furnished by such accountant to the board.

(2017 Ga. Laws (Act No. 165), § 17)

West's Code of Georgia Annotated

Title 36. Local Government (Refs & Annos)

Provisions Applicable to Counties Only

Chapter 5. Organization of County Government

Article 2. County Governing Authorities (Refs & Annos)

Ga. Code Ann., § 36-5-22

§ 36-5-22. County managers

Currentness

(a) The governing authority of any county of this state or the General Assembly may create in and for those counties in which it deems necessary or advisable the office of county manager and may vest in such office powers, duties, and responsibilities of an administrative nature. The qualifications, method of selection, appointment, compensation, tenure, and such other related matters pertaining to the office of county manager shall be provided for by the governing authority of the county.

(b) Nothing in this Code section shall pertain to consolidated governments which include all the area within any county.

(c) This Code section shall not apply to any county having a population of more than 500,000 according to the United States decennial census of 1990 or any future such census.

Credits

Laws 1974, p. 435, §§ 1, 2; Laws 1987, p. 1482, § 7; Laws 1992, p. 2341, § 1.

Notes of Decisions (6)

Ga. Code Ann., § 36-5-22, GA ST § 36-5-22

The statutes and Constitution are current through Act 598 of the 2022 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

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County Manager/Administrator

In a number of counties, a manager or administrator is the chief administrative official of the county and is responsible for the day-to-day operations of the county. The duties of this official, whether he or she is called a manager or administrator, are usually numerous and varied. In some counties, these duties include the appointment and removal of county employees.³ Additional duties include

- supervising the conduct of county employees;
- administering county laws, ordinances, and resolutions;
- exercising control over county departments and agencies;
- preparing an annual budget;
- informing the governing authority about the financial conditions and needs of the county and maintaining accurate records reflecting its financial affairs;
- examining the accounts and records of county departments;
- supervising the performance of contracts;
- regulating purchases of county supplies and materials; and
- performing all other duties delegated by the governing authority.⁴

The manager or administrator is usually chosen on the basis of his or her general executive and administrative qualifications. Specific statutory qualifications may be imposed as well. Unless otherwise provided in local

Of Georgia's 159 counties, only 29 do NOT use a County Manager/Administrator. So, roughly 82% of Georgia counties use a professional manager/administrator of some kind.

Walker County's population: 69,398

Of the 29 that do not use a professional manager/administrator, 19 have populations at or below 15k. Only 2 counties are larger than Walker County (Carroll and Rockdale); the rest are notably smaller.

- Atkinson: 8,311
- Bacon: 11,140
- Banks: 18,900
- Bleckley: 12,870
- Calhoun: 6,301
- Carroll: 118,692
- Chattooga: 24,826
- Dade County: 16,183
- Echols: 39,44
- Fannin: 25,797
- Gilmer: 30,986
- Glascock: 2,984
- Hancock: 8,500
- Haralson: 29,608
- Heard: 11,785
- Irwin: 9,379
- Lincoln: 7,920
- Madison: 29,624
- Oglethorpe: 15,040
- Pickens: 32,002
- Pulaski: 11,185
- Randolph: 6,888
- Rockdale: 90,155
- Taliaferro: 1,596
- Telfair: 1,5871
- Towns: 11,815
- Warren: 5,259
- Webster: 2,587
- Wheeler: 7,897

**A RESOLUTION BY
THE BOARD OF COMMISSIONERS
OF WALKER COUNTY CREATING THE OFFICE OF
COUNTY MANAGER AND MODIFYING
THE WALKER COUNTY ENABLING LEGISLATION**

A Resolution to create the position of county manager and to amend an Act creating Walker County, Georgia, (Ga. L. 1939, p. 751), and to amend the Act creating a Board of Commissioners of Walker County (2017 Ga. Laws (Act No. 165)) so the Walker County local law contemplates and accounts for the creation of a county manager;

WHEREAS, the Georgia General Assembly approved an Act creating a Board of Commissioners of Walker County, Georgia, on May 2, 2017 (SB 292);

WHEREAS, the voters of Walker County approved, via referendum, the transition of Walker County from a sole commissioner jurisdiction to a five-member Board of Commissioners jurisdiction, with such referendum becoming effective January 1, 2021;

WHEREAS, § 10 of Walker County's enabling legislation places the administration and day-to-day affairs of Walker County under the chairperson;

WHEREAS, O.C.G.A. § 36-5-22 authorizes the governing authority of any county to create the position of county manager;

WHEREAS, O.C.G.A. § 36-5-22, provides that the county manager position, if created, vests in such county manager the powers, duties, and responsibilities of an administrative nature.

WHEREAS, in Gray v. Dixon, 249 Ga. 159 (Ga. 1982), the Supreme Court of Georgia held that a board of commissioners was authorized by Georgia Laws 1974, pp. 435-6 (the predecessor to O.C.G.A. § 36-5-22) to create a county manager position and divest the chair of administrative powers, notwithstanding language in the county's enabling legislation that assigned administrative powers to the chair;

WHEREAS, Walker County now desires to create the position of county manager;

WHEREAS, the Walker County Board of Commissioners has concluded that the creation of the position of county manager will serve the purpose of aligning the administrative affairs of the Walker County government with the recently created Walker County Board of Commissioners and will otherwise be in the best interests of the citizens of Walker County in light of the growth and increasing challenges placed upon Walker County;

WHEREAS, the duties and responsibilities of the county manager shall be substantially

consistent with the job description attached hereto as Exhibit "A";

WHEREAS, this Resolution shall confer no executive powers upon the newly created position of county manager;

WHEREAS, the newly created position of county manager is subject to the jurisdiction of the Walker County governing authority, to wit, the Walker County Board of Commissioners;

WHEREAS, the Georgia Constitution, Article IX, Sec. II, Par. I, entitled "Home Rule for Counties," authorizes amendments to local acts of the General Assembly by a resolution or ordinance duly adopted by the county governing authority under certain conditions after due notice has been published in the official organ of the county, and upon satisfaction and compliance with additional conditions and requirements as set forth in the Georgia Constitution;

WHEREAS, those requirements applicable to amendments to local acts of the General Assembly by a resolution or ordinance duly adopted by the county governing authority as set forth in the Georgia Constitution, Article IX, Sec. II, Par. I(b)(1) having been met and satisfied; and

WHEREAS, the Walker County Board of Commissioners is desirous of executing that authority granted to it by the Georgia Constitution, Article IX, Sec. II, Par. I, in adopting this resolution.

NOW THEREFORE, BASED UPON THE ABOVE,

IT IS HEREBY RESOLVED by the Board of Commissioners of Walker County that the position of county manager is hereby created in Walker County, Georgia;

IT IS HEREBY RESOLVED that the county manager position shall have administrative duties, but no executory powers;

IT IS HEREBY RESOLVED, that Walker County shall immediately commence recruitment of a qualified county manager;

IT IS FURTHER RESOLVED that the job description for the county manager shall be in substantially the form as attached hereto as Exhibit A and may be amended at any time in the discretion of the Walker County Board of Commissioners;

IT IS FURTHER RESOLVED, that an Act creating a Board of Commissioners for Walker County, Georgia, (2017 Ga. Laws (Act No. 165), approved by the General Assembly on May 2, 2017, and made effective by referendum on January 1, 2021, is hereby amended by adding the language as highlighted (bold/underlined) below:

I. Section 10 – Duties of chairperson or, if applicable, county manager

The chairperson shall administer the affairs and day-to-day business of the county and preside over the meetings of the board, unless a county manager position has been created. In the event a county manager position has been created, the county manager shall administer the affairs and day-to-day business of the county.

All other provisions of Section 10, except as highlighted above, shall remain in full force and effect.

II. Section 11 – Power and authority of the Board [adding the following enumerated paragraph]:

(19) The board is hereby empowered and authorized to employ and engage the services of a county manager. The qualifications for such office shall be determined by the board. The salary of said county manager shall be fixed by the board. Said manager shall perform any and all administrative duties as directed by the board.

All other provisions of Section 11, except as highlighted above, shall remain in full force and effect.

III. Section 15 – Proposed budget

The chairperson, in consultation with the county manager, shall submit annually to the board a proposed budget governing expenditures of all county funds, including capital outlay and public works projects for the following fiscal year. [...]

All other provisions of Section 15, except as highlighted above, shall remain in full force and effect.

IV. Section 16 – Expenditures

The chairperson of the board, in consultation with the county manager, shall enforce compliance with this section by all departments of county government and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

All other provisions of Section 16, except as highlighted above, shall remain in full force and effect.

V. Sections 10, 11, 15, and 16 of the Walker County Enabling Legislation are identified in this Resolution and are being modified by this Resolution. The modifications, as highlighted (bold/underlined), are only the modifications. The referenced Sections, other than as amended above, shall remain unchanged and otherwise remain in full force and effect. For ease of review, an edited version of the Walker County enabling legislation, reflecting the changes, is attached hereto as Exhibit B.

SEVERABILITY

If any portion of this Resolution or the application thereof shall be held invalid or unconstitutional, the other provisions of this Resolution shall not be affected, and thus, the provisions of this Resolution are declared severable.

REPEALER

Any other Ordinance, Resolution, or local law, or portion thereof, now in effect, that is in conflict with any of the provisions of this Resolution, is hereby repealed.

EFFECTIVE DATE

This Resolution shall become effective when all required documents have been filed with the Secretary of State as required by the Georgia Constitution, Article IX, Sec. II, Par. I(g).

ADOPTION AT TWO CONSECUTIVE MEETINGS

This Resolution was adopted at two (2) regular consecutive meetings of the Walker County Board of Commissioners held on _____ and _____, as required by the Georgia Constitution, Article IX, Sec. II, Par. I(b)(1).

BE IT SO RESOLVED, this ____ day of _____, 2022.

**WALKER COUNTY BOARD OF
COMMISSIONERS**

Shannon Whitfield, Chairman

Robert Blakemore, Vice Chair

Mark Askew, District 2

Brian Hart, District 3

Robert Stultz, District 4

Attest:

Clerk

6

EXHIBIT B

ENABLING LEGISLATION OF WALKER COUNTY, GEORGIA

PART I - LOCAL LAWS

Section 1. - Board of Commissioners created.

There is created the Board of Commissioners of Walker County to be elected and organized as provided for in this Act. The board shall be the successor to the office of commissioner of Walker County and shall continue to have the obligations and liabilities of the commissioner of Walker County as existed immediately prior to January 1, 2021. The board shall constitute the governing authority of Walker County and shall exercise the powers, duties, and responsibilities vested in and upon such officers by the provisions of this Act. The term "board," whenever used in this Act, shall mean the Board of Commissioners of Walker County, including the chairperson and all members.

(2017 Ga. Laws (Act No. 165), § 1)

Section 2. - Chairperson; members.

(a)The board shall consist of a chairperson and four district commissioners. The four district commissioners shall be residents of their respective commissioner districts as described in subsection (b) of this section and shall be elected by the electors of their respective districts as provided in Section 3 of this Act. The chairperson shall be elected at large as provided in Section 3 of this Act.(b)For the purpose of electing members of the board, Walker County shall be divided into four commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: walkercc-2017 Plan Type: Local Administrator: SD053 User: Gina.(c)(1)When used in such attachment, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.(2)Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.(3)Any part of Walker County which is not included in any district described in the plan shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.(4)Any part of Walker County described in the plan as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(2017 Ga. Laws (Act No. 165), § 2)

Section 3. - Eligibility.

the unexpired term of office, the remaining members of the board shall appoint a qualified person to fill the vacancy for the unexpired term. Any person appointed by the board to fill a vacancy as provided in this subsection shall possess the residency and other qualifications required for the office and shall take office immediately upon appointment and qualification. If such vacancy is in the office of chairperson of the board, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following his or her appointment as provided for in this subsection. During the time when the board has a vacancy under this subsection and only during such time, if a vote on a matter before the board results in a tie, the chairperson or, if the office of chairperson is vacant and the vice chairperson is serving as chairperson, the vice chairperson shall be allowed to cast an additional vote to break such tie.

(2017 Ga. Laws (Act No. 165), § 5)

Section 6. - Oath; bond.

Before entering upon the discharge of their duties, the chairperson and district commissioners shall subscribe to an oath before the judge of the probate court of such county for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, the chairperson and each district commissioner shall further give a satisfactory surety bond to the judge of the probate court of the county payable to the judge of the probate court or that judge's successor in office and filed in the office of the judge of the probate court, in the sum of \$25,000.00, conditioned upon the faithful performance of the duties of the office. The costs of said bonds shall be paid out of the county treasury.

(2017 Ga. Laws (Act No. 165), § 6)

Section 7. - Salary; reimbursement.

(a) District commissioners, other than the chairperson, shall serve in such capacity on a part-time basis and shall be paid a salary of \$12,000.00 per year. Such compensation shall be paid in equal monthly installments from the funds of Walker County. (b) The chairperson shall serve in such capacity on a full-time basis and shall be paid an annual salary equal to the annual salary of the highest paid elected county officer of Walker County, plus an additional \$500.00, or \$100,000.00 per annum, whichever is greater. For the purposes of this subsection, the term "county officer" shall mean only the tax commissioner, the judge of the probate court, the sheriff, or the clerk of superior court. The salary provided in this subsection shall be paid in equal monthly installments from the funds of Walker County. The salary and expenses provided for in this subsection shall constitute the entire compensation to which the chairperson shall be entitled to be paid from county funds. (c) The chairperson and the district commissioners may be reimbursed for reasonable expenses incurred in carrying out their duties. Expenses may be reimbursed only after the submission of receipts or records of said expenses to the county clerk and approval by majority vote of the board of commissioners at a regularly scheduled meeting. The chairperson and commissioners shall be entitled to compensation for serving on any other boards or authorities for which their membership is provided by law. (d) At their own expense, the district commissioners may participate in county provided health, dental, and other health related programs and in county sponsored retirement programs. No county funds shall be spent on these programs for the benefit of the district commissioners.

(5) Appointing members and chairpersons to all committees of the board with the approval of the board; and

(6) Performing such other duties as shall be delegated to the chairperson by the board or as provided by law or ordinance.

The chairperson shall be authorized, in his or her sole discretion, to spend not more than \$25,000.00 without approval of the board.

(2017 Ga. Laws (Act No. 165), § 10)

Section 11. - Power and authority of board.

The board shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules, and regulations governing all matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper entry thereof, made on the minutes of the board, shall be conclusive and binding. The board shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. Except as otherwise provided in this Act, the following powers are vested in the board and reserved to its exclusive jurisdiction:

(1) To levy taxes;

(2) To make appropriations;

(3) To fix rates and charges for services provided by the county;

(4) To authorize the incurring of indebtedness;

(5) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;

(6) To authorize and provide for the execution of contracts;

(7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and ferries, according to law; provided, however, that the chairperson shall have the authority to accept subdivision plats when the requirements established by the board for subdivisions have been met;

(8) To establish, abolish, or change election precincts and militia districts according to law;

(9) To accept, for the county, the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;

(10) To exercise all powers, duty, and authority formerly imposed upon or vested in the commissioner of Walker County in respect to zoning and planning;

(11) To create and change the boundaries of special taxing districts authorized by law;

(12) To fix the bonds of county officers where same are not fixed by statute;

(13) To enact any ordinances or other legislation which the county may be given authority to enact;

(14) To determine the priority of capital improvements;

least seven days apart on the budget, giving notice thereof at least ten days in advance by publication of such notice and of the proposed budget in the official organ of Walker County and by posting same at the courthouse. The budget shall then be reviewed and adopted or amended by the board prior to the beginning of the new fiscal year to which it applies, which budget, when so adopted or amended by the board, shall constitute the board's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the board in a regular meeting, and no increase shall be made therein without provision also being made for financing the same. The proposed budget submitted by the chairperson shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to the same shall be transmitted by the chairperson to the grand jury of the Superior Court of Walker County within ten days from the time such budget or amendment thereof is adopted by the board. The board may from time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal year for the county or may operate on a calendar basis; provided, however, that in the event of such change, the budget shall be submitted at least two months prior to the beginning date of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one month prior to such beginning date. The procedures for budget preparation, submission to the governing authority, review by the governing authority, public review, notice, and hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

(2017 Ga. Laws (Act No. 165), § 15)

Section 16. - Expenditures.

No expenditures of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the board. The chairperson of the board, **in consultation with the county manager**, shall enforce compliance with this section by all departments of county government and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

(2017 Ga. Laws (Act No. 165), § 16)

Section 17. - Audit of county finances and financial records.

The board shall, on or before the final day of the month following the end of each fiscal year, employ a certified public accountant for the making of an annual continuous audit of county finances and financial records. The accountant so employed shall be paid out of county funds and shall perform a complete audit of the financial records of the county for the preceding year, pointing out any irregularities found to exist and reporting the results of such audit to the board. The same person or firm shall not perform such audit for more than four consecutive annual periods. Each annual report submitted to the board shall be made available for public inspection as are other records in such office. The board shall cause to be published in the official organ of Walker County and posted at the courthouse a statement of the financial condition of the county as of December 31 and June 30 of each year. Said accountant shall transmit to the grand jury of the Superior Court of Walker County a copy of each annual report furnished by such accountant to the board.

(2017 Ga. Laws (Act No. 165), § 17)